



**CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, MARCH 6, 2018  
7:00 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:05 p.m.

**II. ROLL CALL –**

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown (7:10)	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member Richardson	Present		

**III. INVOCATION –**

Mayor Edmonds asked all to stand for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE –**

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

**V. AGENDA APPROVAL –**

**Council Member Vogt moved, seconded by Council Member Murdock to approve the agenda.**

**Council Member Murdock moved to remove the appointments to the Police Advisory Commission from Resolution No. 2018-048.**

**Council Member Murdock moved to add an additional Audience Participation prior to the discussion regarding the Community Benefits Ordinance.**

**Council Member Bashert moved to remove Resolution No. 2018-049, Governor Snyder's Environmental Initiative, from the Consent Agenda and add it to Resolutions/Motions/Discussions.**

On a voice vote, the motion carried, and the agenda was approved as submitted.

**VI. INTRODUCTIONS –**

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, City Attorney John Barr, Assistant City Attorney Dan DuChene, Economic Development Director Beth Ernat, and a number of Board and Commission members.

## **VII. PRESENTATIONS –**

Washtenaw County Solid Waste Management Plan 2017 Amendment – Commissioner Evan Pratt

AAATA Millage – Gilliam Ream Gainsley, Member of AAATA Board of Directors

AAATA Board Member Gilliam Gainsley and AAATA CEO Matt Carpenter provided a presentation regarding the AAATA Millage renewal that will appear on the August ballot.

Mayor Edmonds asked if the possibility of relocated the Ypsilanti Transit Center is still a part of the study scope. Ms. Gainsley responded in the affirmative.

Council Member Murdock asked when the study for the Transit Center will take place. Mr. Carpenter responded the study began last year and will be engaging the community in the summer. The technical recommendation will be brought to staff by September, at that time design and financing strategies will be completed. The study will be completed sometime in the fall.

Council Member Murdock asked what the staff hours are for the Transit Center. Mr. Carpenter responded he did not know that information, but there is an increased need for onsite supervision in the afternoons and evenings. Mr. Murdock asked for specific information be sent to Council. Mr. Carpenter responded in the affirmative. Ms. Gainsley added AAATA is moving toward staffing the center with internal staff rather than hiring outside security personnel.

Council Member Murdock asked if the AAATA is currently involved in the Regional Transit Authority's attempts to provide transportation between Washtenaw and Wayne Counties. Ms. Gainsley responded in the affirmative. Mr. Carpenter added the Washtenaw County Commissioners have reached out to understand how they can receive input, but it would be ambitious to have a millage on the November ballot, but not impossible. Mr. Murdock stated his understanding is the RTA is the recipient of transit funding and allocate funds. He asked what will happen if there is not a plan in place for that funding. Mr. Carpenter replied there is an existing formula in place that could be employed, but additional questions should be answered in the next year.

Council Member Bashert stated she was the co-chair of 2014 millage committee, and is excited to see it come back because public transportation is important in this community.

Ms. Gainsley stated the ballot language will be adopted at the March 16<sup>th</sup> Board meeting.

## **VIII. AUDIENCE PARTICIPATION –**

1. Jack Alferio, 2970 International Drive #107B, stated it was disrespectful the Police Department raised the Transgender Flag last year. Police brutality has been an issue for the Trans community and would prefer it to be raised by City Council.
2. Alex Mclaushin, Greater Ypsilanti Area, stated she is a pastor and she and her congregation care deeply about affordable housing in this community. A Community Benefits Ordinance needs to allow community members to negotiate with developers.
3. Jason Branham, 26 S. Grove #3, encouraged Council to vote to approve Resolution No. 2018-053 and move the recycling center from its current location abutting Frog Island Park. He said Depot Town is in need of additional parking, which has a multiplying effect on the business community. He added reconfiguring the medians in the Frog Island Parking lot will also assist in creating additional parking. He understands there is contention regarding the installation of parking

meters in that lot, however, he is in favor of parking meters in the Frog Island lot. He asked a sales tax be initiated by district to create revenue for the construction of a parking structure.

4. Michael Anthony, 533 Maus, thanked Council for passing a resolution to fly the Transgender Flag last year. He stated he does not know if the Police Station is the only location the city has to raise the flag, but suggested the Police Department go through sensitivity training regarding non-conforming people. Encouraged Council vote yes to approve that resolution.
5. Cheryl Farmer, 214 N Huron St., stated in 1993 ethical principles were added to the City Charter for a reason, no one is above the law. Council Member Robb lives in the Historic District and performed exterior work without applying to the HDC as required. Staff sent two letters for Council Member Robb to remedy the problem, which he has ignored. She submitted a complaint to be heard by the Ethics Board on February 26<sup>th</sup>, which outlines the language of how Council Member Robb has committed an ethics violation. Possible remedies include; Council Member could apologize to the HDC and to the people of Ypsilanti for his failure to follow the rules, pay the fine, and retroactively follow the HDC process. The Mayor could nominate, and Council approve enough members to the Ethics Board to consider the complaint. Council could affirm the belief that Council follow all the city's ordinance and laws, as outlined in the oath of office, and if Council Member Robb continue to stonewall the process he could be sanctioned by the members of Council. She asked Council to please do the ethical thing and follow the rule of law.
6. Kyle Hunter, 430 S. Adams, stated he is a Human Relations Commissioner for the city and the Mayor is corrupt as the day is long.
7. Phyllis Mason, 403 S. Huron St., stated she is concerned about the erosions of the unions at Eastern Michigan University, in particular parking employees. She is against the privatization of parking at EMU, which would terminate those positions. She asked Council to consider people that would lose their jobs if parking is privatized.
8. Noah Rucker, 1839 Ashley Dr., stated he represents the Parkridge Community Garden and invited Council to visit the garden in spring. He wished the city the best in the year to come, and hoped the city can come together and work out issues.
9. Nicole Saint Germaine, 6425 Pitch Pine Lane, stated she brought a petition to raise minimum wage and if anyone would like to sign it.
10. Gail Wolkoff, 1728 Whittier, stated she is here as a representative of Educate Youth and there is currently a lot of excitement at the library, Transit Center, and the Beer Cooler. She has contacted the schools about truant officers, and suggested everyone as a community patrol the streets.

**IX. REMARKS BY THE MAYOR –**

- Stated the only place the city has a flag pole to raise the Transgender Flag is the Police Station. She understands the concern and in the future the city can address that concern. She asked that if anyone has ever felt they have been mistreated by the Ypsilanti Police Department please file a police complaint.

Council Member Robb stated the City Attorney's recommendation based on the complaint it should be dismissed for the lack of showing cause. He added he is willing to provide copies for anyone that asks.

**X. PUBLIC HEARINGS -**

Issuance of Revenue Notes - Eastern Michigan University Parking System

A. Resolution No. 2018-042, determination

**WHEREAS, Preston Hollow Capital, LLC ("PHC") and the Board of Regents (the "Board") of Eastern Michigan University (the "University") are parties to the Concession Agreement for Eastern Michigan University Parking System, dated as of January 4, 2018 (the "Concession Agreement"), pursuant to which, in consideration of the concession payment (the "Concession Payment") to be made by PHC to the University, and certain other consideration, and subject to the terms and conditions of the Concession Agreement, the Board will grant to PHC an exclusive and irrevocable right for and during the term of the Concession Agreement to operate the University's Parking System (as defined below) and to provide Parking System services in connection therewith;**

**WHEREAS, PHC and Provident Group – EMU Properties LLC (the "Borrower"), an Arizona limited liability company, are entering into an assignment and assumption agreement, pursuant to which all of the rights of PHC under the Concession Agreement will be assigned to, and all of the obligations of PHC under the Concession Agreement will be assumed by, the Borrower;**

**WHEREAS, the sole member of the Borrower is Provident Resources Group Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code 1986, as amended (the "Code");**

**WHEREAS, the Borrower has requested the assistance of the Arizona Industrial Development Authority (the "Authority"), an Arizona nonprofit corporation designated as a political subdivision of the State of Arizona, incorporated with the approval of the Arizona Finance Authority, pursuant to the provisions of the Constitution and law of the State of Arizona and the Industrial Development Financing Act, Title 35, Chapter 5, Articles 1 through 5, Arizona Revised Statutes, as amended (the "Act"), to issue its revenue notes, bonds or other obligations, in one or more series, in an aggregate principal amount not to exceed \$65,000,000 (the "Notes"), the proceeds of which will be used to make a loan to the Borrower to (a) finance the Concession Payment to use, operate, manage, maintain and rehabilitate the University's parking system, consisting of approximately 1,145 parking garage spaces, 8,309 parking lot spaces and any metered or permitted parking spaces designated as such by the University and located on the roadways and rights-of-ways within the University, including the parking system assets and improvements forming a part of and used in connection with the operation of such parking facilities (collectively, the "Parking System"), (b) finance other required amounts in connection with such acquisition, including certain permissible working capital costs, (c) fund certain reserves as may be required, and (d) finance costs of issuance of the Notes (collectively, the "Project");**

**WHEREAS, the Parking System, located in the City of Ypsilanti, County of Washtenaw, Michigan (the "City"), is presently is owned by the University and will be owned and/or operated by the Borrower (or its assignee) under and pursuant to the Concession Agreement exclusively for the benefit and support of the University and its students, faculty, visitors and staff, and assisting or otherwise supporting the educational mission of the University;**

**WHEREAS, pursuant to Section 147(f) of the Code, the financing of the Project and the issuance of the Notes by the Authority requires approval, following a public hearing, by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located;**

**WHEREAS, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the applicable elected representatives eligible to approve the Notes and the financing of the Project under Section 147(f) of the Code;**

**WHEREAS, the Borrower has requested that the City Council approve the issuance of the Notes and the financing of the Project in order to satisfy the public approval requirement of Section 147(f) of the Code;**

**WHEREAS, the notice of the public hearing (the "TEFRA Notice") was published in the Washtenaw County Legal News not less than 14 days prior to the date of the public hearing and the TEFRA Notice is attached hereto as Exhibit A;**

**WHEREAS, on March 6, 2018, a public hearing was held by the City Council at the time and place set forth in the TEFRA Notice with respect to the issuance by the Authority of the above-referenced Notes for the purpose of providing financing for the Project;**

**WHEREAS, such public hearing was conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both the issuance of the Notes and the location and the nature of the Project which is to be financed by the Notes;**

**WHEREAS, attached hereto as Exhibit B are the minutes of the public hearing prepared by the City Clerk of the City (the "City Clerk"); and**

**WHEREAS, the City Council now desires to approve the issuance of the Notes and the financing of the Project for the purposes of Section 147(f) of the Code;**

**NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Ypsilanti, Michigan, as follows:**

**Section 1. It is the purpose and intent of the City Council that this resolution constitutes approval of the issuance of the Notes and the financing of the Project for the purposes of Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) of the Code.**

**Section 2. The City Clerk and applicable officers of the City Council are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.**

**Section 3. Nothing in this resolution shall be construed to create any obligation or liability of the City in any respect whatsoever pertaining to the Notes. No statement, representation or recital herein shall be deemed to constitute a legal**

**conclusion or determination that any particular action or proposed action is required, authorized or permitted under the laws of the State of Michigan, the State of Arizona or the United States. The Notes are not issued by the City or on behalf of the City but are issued by the Authority pursuant to the laws of the State of Arizona on behalf of the Borrower. The Notes shall never constitute an indebtedness or pledge of the City within the meaning of any constitutional or statutory provision, and the owners of the Notes shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the City.**

**Section 4. The City Clerk shall forward a certified copy of this resolution to:**

**Orrick, Herrington & Sutcliffe LLP  
777 South Figueroa Street, Suite 3200  
Los Angeles, California 90017-5855  
Attention: Sean Baxter**

**Section 5. This resolution shall take effect immediately upon its adoption on this 6th day of March, 2018.**

**PASSED AND DULY ADOPTED at a regular meeting of the City Council of Ypsilanti, Michigan on this 6th day of March, 2018.**

OFFERED BY: Council Member Vogt  
SECONDED BY: Mayor Pro-Tem Brown

EMU Chief Financial Officer Mike Valdez provided an overview of why this has been submitted to Council for approval.

Mayor Edmonds asked how staffing would change. Mr. Valdez responded currently EMU employs four staff for its parking operations. The parking operator will employ eight personnel at the beginning of operations, and those currently employed were offered positions. Council Member Bashert asked if the job offers were comparable in terms of wages and benefits. Mr. Valdez responded they were comparable in terms of wages, but he is not certain in terms of benefits.

Mayor Pro-Tem Brown asked if the positions offered were parking related. Mr. Valdez responded it would include personnel that had duties outside of the office. Council Member Richardson asked if only four employees service the entirety of EMU's parking system. Mr. Valdez responded yes, four fulltime employees serviced the parking system with the student help to supplement personnel. Ms. Richardson asked how many students were used to supplement personnel. Mr. Valdez responded twenty-four which all positions will be retained. Mayor Edmonds asked if the current employees were in the union. Mr. Valdez responded yes, they were representative of both UAW unions. Ms. Edmonds asked if the new positions would be unionized. Mr. Valdez responded no.

Council Member Bashert asked if the new employees would be paid comparable to what EMU currently pays. Mr. Valdez responded in the affirmative.

Mayor Pro-Tem Brown asked if the new positions would be with Laz Parking. Mr. Valdez responded in the affirmative.

Mayor Pro-Tem Brown asked how the change would affect parking rates. Mr. Valdez responded over the last four years the average annual increase in rates was over 16%, under the terms of the agreement over the first five years the concessioner can raise rates no more than 5% annually. For the remaining thirty years of the contract rates cannot be raised more than 4% annually. Council Member Vogt asked what the current rates are. Mr. Valdez responded rates vary greatly by group, but \$155 for student commuter tag per semester.

Council Member Bashert asked if parking generated revenue for the university. Mr. Valdez responded in the affirmative. Ms. Bashert asked if the parking system generated revenue why would it chose to privatize the system. Ms. Valdez responded the system generates around \$2 million in annual profit and creates around \$750,000 in annual expenditures. The payment of \$55 million will be invested in the universities reserves, and expect to yield an annual return of 5% on that investment, or \$2.5 million.

Mayor Pro-Tem Brown asked how the parking system will change by its privatization. Mr. Valdez replied the system will be more user friendly by employing technology to indicate where parking is available.

Council Member Robb stated Jeff Larcom's article indicated EMU budgeted \$4.5 million in parking revenue not \$2 million. Mr. Valdez responded there is a difference in metric, the article listed revenue not revenue over expenditures.

Council Member Bashert asked if Laz would be responsible for capital expenditures under this contract. Mr. Valdez responded in the affirmative.

Council Member Bashert asked if any bids received to provide the parking system were union employers. Mr. Valdez responded the Request for Proposals did not use a union company as a qualifier, but many companies exist as both union and non-union. Mayor Edmonds asked if Las is a union company in other locations. Mr. Valdez responded he is not certain.

Council Member Robb asked if the city's only involvement is because EMU's Board of Regents is appointed and an elected body needs to approve this. Mr. Valdez responded the TEFRA Law requires the elected body of the jurisdiction the area is located in needs to approve the issuance tax exempt status.

Mayor Pro-Tem Brown asked what would happen if Council does not approve this resolution. Mr. Valdez responded it would impose a significant financial burden on the university, which is in an already challenging financial position.

Council Member Murdock asked if this is approved who the city would contact if it would like to partner with the University for parking. Mr. Valdez responded the city would work with the staff member of the parking bureau or the appropriate contact for government relations. Mr. Murdock asked what the university is doing to reduce the amount of vehicles traveling in and out of campus. Mr. Valdez responded encouraging public transportation, promote a commuter lot, and sell passes at a reduced rate for students to use the AAATA system. Mayor Edmonds asked if a cost analysis has been done to provide students with free passes to use public transportation. Mr. Valdez responded in the affirmative, however, due to the university's financial situation it would be challenging.

Council Member Vogt stated given the thirty-five year length of the contract it could cause issues for the city if it wished to reconstruction roads, intersections near the university. He asked what provision of the contract will help to mitigate these issues as they arise. Mr. Valdez replied there are a few provisions that would navigate through those issues; one the requirement of governmental approval and providing compensation if a change is made.

Mayor Edmonds asked if the positions created by the agreement would include any environmentally sustainable methods. Mr. Valdez responded in the affirmative. Ms. Edmonds asked if the positions created would be retained through the duration of the agreement. Mr. Valdez responded not specifically, staff levels will be considered by EMU.

Council Member Bashert asked when EMU privatized its food services were the effected positions union jobs. Mr. Valdez responded in the affirmative. Ms. Bashert asked when the employees were rehired by the concessioner were the positions still union. Mr. Valdez responded essentially the bargaining agreement with food service employees had a no outsourcing clause to the contract. EMU then allowed all the bargaining unit staff to remain at EMU salary and benefits and fill the privatized positions. Many employees chose to stay with the private company in order to be a part of a worldwide known organizations. There are more jobs provided through the private company then when previously employed through the university. Student satisfaction increased in taste, value, and sustainability through that process. He added those positions are still represented by the same bargaining unit.

Council Member Bashert stated she as a person is not in favor of privatization. EMU gave up its roll through the privatization of the university's food services, and there will be a similar loss through this process. EMU has a large footprint in Ypsilanti and the city has an investment in the university. The people involved in the privatization of EMU's food service have a different opinion than university representation. Mr. Valdez stated the privatization assists in achieving the core mission of the school. Ms. Bashert responded recruitment of students goes beyond the university's core mission, it is the culture of the university. The culture includes all university amenities and Ypsilanti as a whole.

Council Member Robb stated this is a different situation because the city is not involved in the project and Council was not provided with all the information. He asked if the rate increases would create \$162 million in revenue through the duration of the contract. Mr. Valdez responded that is possible. Mr. Robb stated the university is being paid \$55 million meaning \$107 million would be leaving the community over the thirty-five years. Mr. Valdez replied the upfront payment of \$55 million would create interest in the amount of \$303 million.

Council Member Richardson stated asked what the university would receive in payment annually, or is the \$55 million all the city receive in terms of payment. Mr. Valdez replied the \$55 million is essentially what the university would be paid.

#### B. Open public hearing

1. William Teepen, 718 Lowell St #24, stated EMU claims it is in a financial bind, but he has heard reports the university is spending a great deal of money on athletics. He asked that those be handled first and then worry about parking.
2. Judy Kullberg, EMU Professor and President of the AAUP Faculty Union, urged Council to vote no because the parking agreement was made behind closed doors without consultation of stakeholders. The university's 21,000 students, 1,300 faculty, and other employees were not consulted nor did they provide consent to this agreement. This public forum is not adequate to engage the public on this issue. This agreement was not inadequately publicized by the university or the city. The city should also vote no because the text of the agreement was not provided to Council. It is shocking that a public university would go to such great lengths to shield this decision from the public. This agreement is not a simple outsourcing of services, rather it is a transfer of a public property to a for profit equity firm for thirty-five years. Per the agreement the private equity firm will decide who runs the parking system, no the university. This agreement will substantially increase the cost of parking on campus. This agreement will only add to the cost of education to already burdened student body.
3. Charles Cunningham, 1007 Cross St., stated he has been a professor at EMU for nearly fourteen years and asked Council to vote against this resolution. EMU is property exempt because it is an institution that serves the public good. EMU is proposing to privatize parking and sell the assets of the citizens of Michigan to private equity profiteers that hide behind the guise of non-profits. The financing cross several state lines and the corporation is not in this deal for the public good. It is troubling this is being rushed through Council with barely enough time to read the agreement. The resolution states the agreement will not cost the city, but he disagrees. The agreement means Ypsilanti will be subsidizing profit making entities for decades.
4. Alex Nuttle, 116 Pittman Hall, stated he is a senior at EMU and a resident of Ypsilanti for three years. He claimed EMU's Chief Financial Officer is misleading and encouraged Council to vote against the resolution. EMU has not taken measures to get the campus community's thoughts on this agreement. Education and democracy go hand and hand and EMU has been aggressively on democratic in this process. Privatizing parking will only increase costs and decrease quality, many students cannot afford these costs. The

university claims this agreement will assist in decreasing its debt, but it was the university's action that created the debt. The university has cut summer courses and sought retribution against protesters who were protesting the treatment of African Americans. The university does not care about its students, and the university has cut budgets that directly affect its students.

5. Derrick Thorn, 190 N. Washington St., stated he is President of the EMU Federation of Teachers and represents part-time and full-time lecturers. He encouraged Council to vote no on this resolution. The environment on EMU's campus is tense, the university is facing serious economic issues. EMU has some very unhappy employees and students. The university does not act in a very democratic manor, and agreements such as these occur without much notice. This is a great opportunity to hold EMU accountable for its decisions. Council has been giving the opportunity to tell the university to stop and engage the community about this topic and others.
6. Noah Rucker, 1839 Ashely Dr., stated he is a health teacher and sees this as creating an unhealthy environment for the student body.
7. Desiree Simmons, 407 Charles, stated claims have been made that EMU is a good partner for the city. This is a great way for the city to get something back from the university, and how the \$55 million could be used for EMU staff and the city. Questions must be asked what steps the university is taken to ensure it is financially solvent.
8. Rebecca Thomas, 320 N. Adams, stated it is strange when an entity is looking to privatize services it does not depict it as a privatization. This is done because it has a negative connotation. EMU has been selling off parts of the university for years and there are only so many things an organization can sell before it fails. Erosion of collective bargaining agreements helps no one, which this agreement will assist in doing. If the positions offered by Laz are not union positions they are not comparable. She encouraged Council to vote no on this resolution.
9. Beth Currans, 915 Woods Dr., stated she is a professor of Woman's and Gender Studies and EMU. She is thankful to what has already been said, and added the university is privatizing a service while asking the city to maintain its tax exempt status. That is not helpful to Ypsilanti or EMU.
10. Phyllis Mason, 403 S. Huron, stated she has been clerical employee at EMU for the past twenty-four years. The positions created through privatization are temporary, they only need to continue until that person retires. None of these positions will be maintained as union positions. The choice given to union employees is to either accept the privatized positions or be laid off. Union employees would not be able to move to another job classification because the other union jobs in that category have been eliminated.
11. Melinda Holmes, 2005 Merrill Ave, stated she is a junior at EMU and an employee for community involvement. She does not have a lot of faith in her government and she is tired that decisions about her education and life being made by an upper-class man. An increase in parking costs would be difficult for her to pay.
12. Olivia Grills, 520 Brown Hall, encouraged Council to vote against this resolution. Privatization has never been a good thing for universities, it only provides another way for the university avoiding communicating with the community. She cannot afford the cost of parking, and increasing the cost still will not solve the problem of lack of parking.

C. Resolution No. 2018-043, close public hearing

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**The public hearing with respect to the proposed issuance by the Arizona Industrial Development Authority (the "Authority") of its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing (the "Notes"), in an amount not to exceed \$65,000,000 is hereby closed.**

OFFERED BY: Council Member Vogt  
SECONDED BY: Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the public hearing was closed.

Council Member Richardson asked if the administration had spoken with the union and other stakeholders regarding this agreement. She stated decisions cannot be made unless those involved are spoken to. The parking lots are public land owned by the city and EMU resides there for \$0. If the parking lots are privatized the EMU should forfeit the tax-exempt status of the lots.

Mayor Pro-Tem Brown appreciated all the feedback provided during the public hearing. As a student at EMU it was very difficult to afford the cost of parking and to find available parking. It is difficult to make a decision without all the information and it is parallel to other issues Council is discussing regarding community participation. Council needs to understand how to address the concerns raised during audience participation. She asked what the timeline is for the transition to privatized parking. Mr. Valdez responded the Board of Regents approved the award in December, the President signed the agreement in January, EMU approached the city to get on an agenda in February, and are working toward a closing date prior to summer courses.

Mr. Valdez stated the agreement was distributed broadly across the campus in late May in an information portal called EMU today and emailed to all EMU users. He added parking assets remain with the university, this agreement provides the concessioner a license to operate and maintain the parking system.

Mayor Edmonds asked if the Board of Regents meetings are open meetings. Mr. Valdez responded in the affirmative.

Council Member Richardson stated this company would be benefiting from public land at approximately \$2 million a year. Since this private entity is seeing profits of \$2 million a year the land should be returned to the tax rolls.

Council Member Vogt stated he is not familiar with the act in which this is proposed. Mr. Valdez responded TEFRA is the act. Mr. Vogt stated this strikes him as a rare opportunity for an independent body to review this matter. The Federal Government created an act for an elected body to review matters such as these. Mr. Valdez responded the TEFRA Act does not provide overseeing ability, it allows the governing body of the jurisdiction has a license regarding tax exempt status of land in its borders. Mr. Vogt replied the act imposes a responsibility on Council to make that determination. He said he is not willing to make a decision at this meeting. He empathizes with the Board of Regents, but over the years he has found that the majority of privatizations motivation is for profits rather than public interest. He added some years ago the university constructed softball fields by his former home without engaging the community. If the community were engaged through that process it could have avoided problems caused for the nearby neighborhood. He believes the university should listen and speak with the community its decisions affect. There are problems that go beyond the financing that are not addressed in the proposal. He agrees with Council Member Richardson and others that decisions such as these should not be done in secrecy. Mr. Valdez this was communicated to the entire campus and was offered as a public bid opportunity to firms across the country.

Mayor Edmonds thanked all for the questions and concerns and also finds issues with how the Board of Regents are selected, and who they are accountable to. She agreed with Council Member Vogt that this is an opportunity for further

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listening and consideration. She agrees with strategies that decrease demand, such as encouraging use of public transportation.

Mr. Valdez stated postponing this resolution would have implications for the university.

Mayor Pro-Tem Brown asked if postponing this resolution would disrupt the timeline for implementation. Mr. Valdez responded in the affirmative. Mayor Edmonds asked if there would be other implications other than delaying implementation. Mr. Valdez responded EMU would not be able to issue parking permits for staff and students under the new system for fall, however, he does not know what the implications would be for EMU’s partners.

Council Member Murdock stated he was not aware the city was a participant in the privatization of EMU’s parking system. He has never been a fan of privatization, and in this particular instance the city is being asked to give a private entity the use of tax exempt property for their private gain. It is ironic that Council will be discussing a community benefits ordinance later on the agenda and this agreement provides no community benefit. He disagrees the city does not have direct interest in this agreement and it should use its best judgment when considering this resolution. Clearly there are some issues raised during the public hearing Council cannot resolve. He will not be supporting this resolution tonight and will not support its postponement.

Council Member Robb stated it is not in Council’s power to control EMU’s process it can only vote upon what has been provided. This is a bizarre resolution because Council has not been given the information it typically would receive when being asked to approve a project. He encouraged Council to not table this item to allow time for parties not in the control of Council to provide additional information.

**Council Member Murdock moved, seconded by Council Member Richardson to call the question.**

On a roll call, the vote to call the question of Resolution No. 2018-042 was as follows:

Mayor Pro-Tem Brown	No	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Council Member Richardson	Yes	Council Member Vogt	No
Council Member Bashert	No		

VOTE:

YES: 3 NO: 4 (Edmonds, Brown, Vogt, Bashert) ABSENT: 0 VOTE: Carried

**Council Member Bashert moved, seconded by Council Member Vogt to postpone Resolution No. 2018-042 until April 17, 2018.**

Council Member Bashert stated the city just went through a situation that was very similar to this. She would like to see that a meeting occurred with representation of the union around the long term vision of where this is heading. Mayor Edmonds stated there are other stakeholders that will be affected by this agreement and she would like to see them involved in discussions.

On a roll call, the vote to postpone Resolution No. 2018-042 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Council Member Richardson	No	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 4 NO: 3 (Robb, Murdock, Richardson) ABSENT: 0 VOTE: Carried

**XI. ORDINANCES – FIRST READING**

*Ordinance No. 1302*

An ordinance to provide for a service charge in lieu of taxes (PILOT) for Towne Centre (401 W. Michigan Avenue), a housing project for low income persons and families to be financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act")

A. Resolution No. 2018-044, determination

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That an ordinance entitled "City of Ypsilanti Tax Exemption Ordinance-Towne Centre" be approved on First Reading.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Bashert

Assistant City Attorney Dan DuChene provided a summary of why this resolution is being submitted for approval.

Mayor Edmonds asked how many occupied units would have exempt status. Mr. DuChene responded he believes it would be 100%. Ms. Edmonds asked how the timeline would affect other aspects of this process. Mr. DuChene responded he believes the process is on time to complete this prior to the new agreement.

B. Open public hearing

None

C. Resolution No. 2018-045, close public hearing

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That a Public Hearing on an ordinance entitled "City of Ypsilanti Tax Exemption Ordinance-Towne Centre" be officially closed.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the public hearing was closed.

Mayor Edmonds asked if Mr. DuChene agreed the approval of this PILOT would trigger a Community Benefits Agreement if a Community Benefits Ordinance were in place. Mr. DuChene responded that would be up to the discretion of Council. However, his thoughts is that one of the benefits of a CBO is affordable housing and that is exactly what this would provide. He added it is Council's discretion, but they might want to remove PILOTS from a potential CBO. Ms. Edmonds stated her reasoning is although progress has been made to the Towne Center it still is in need for improvements. Where the city has leverage it could use it to ensure improvements are made. Mr. DuChene replied what is being suggested are not necessarily community benefits, but additional compliance updates, which can still be added as a stipulation of approval. Ms. Edmonds stated her idea of what the spirit of a CBO is to provide stakeholders with a voice to make these changes.

Council Member Richardson asked what will be involved with the municipal service agreement. Mr. DuChene responded the municipal service agreement would provide a different revenue stream to the city and this would tie the agreement to

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the PILOT. If there is an issue with the municipal service agreement the PILOT would be terminated. Ms. Richardson asked what would cause the municipal service agreement to void. Mr. DuChene responded a possible court ruling, a termination from one of the involved parties, and several other possibilities.

Towne Center Representative Barry Cunningham thanked the Attorney’s Office for approaching MSHDA prior to submitting the PILOT to Council for approval. He added Mr. DuChene also increased the payments with the new formula for the municipal agreements. It is beneficial for the city because payment goes directly to the city’s General Fund. Over the years the building has seen some problems because regulatory agreements made capital expenditures more difficult. He has worked with developers throughout the country and the Jonathan Rose Company has provided great services for its residents.

Mayor Edmonds asked for an explanation regarding when the Jonathan Rose Company obtains a property it maintains its management personnel. Mr. Cunningham responded the management company is based in Cleveland and it is his understanding only on position from Forest City will be retained, the Regional Manager. He explained Jonathan Rose imposes pretty high expectations once they take title. Ms. Edmonds asked if once the sale is final when management will transition is. Mr. Cunningham responded in the affirmative. Ms. Edmonds stated there are still challenges facing the Towne Center and hopefully this will remedy those issues.

Council Member Richardson stated she recalls when Forest Hills took control of the Towne Center and the city was given the same promises it is being given by Jonathan Rose. Once Forest Hills took over things went smoothly, but services began to decline and she received many complaints. When people live to a certain age they deserve to live comfortably and peacefully. Mr. Cunningham asked Council Member Richardson to take a close look at the reputation of Jonathan Rose.

Mayor Edmonds encouraged Mr. Cunningham to inspect the properties directly across the street from the Towne Center that have long been vacant. These buildings to provide services for Towne Center residents. Mr. Cunningham responded he would.

Council Member Murdock asked if the PILOT would be distributed to all the taxing units. Mr. DuChene responded in the affirmative. Mr. Murdock asked if the municipal service agreement would only apply to the city. Mr. DuChene responded in the affirmative. Mr. Murdock stated the definition provided stated low income persons and families mean persons and families eligible to move into housing projects. Mr. DuChene replied that is the definition provided by MSHDA. Mr. Murdock asked what the criteria is for deciding who is eligible to live at the Towne Center, and if it is exclusively for seniors. Mr. Cunningham responded the building is for seniors. Mayor Edmonds asked if individuals with other disabilities, not necessarily a senior citizen, are eligible. A representative of Towne Center responded at one point there was a waiver for those not fifty-five years old, or older, but now it is all sixty-two years old, or older. Mr. Cunningham responded those at 30% area median income or below are eligible for housing at the Towne Center. Mr. Murdock asked if rents are based on income. Mr. Cunningham responded in the affirmative.

On a roll call, the vote to approve Resolution No. 2018-044 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

**XII. CONSENT AGENDA –**

Resolution No. 2018-046

1. Resolution No. 2018-047, approving minutes of February 20, and February 21, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT the minutes of February 20th and February 21, 2018 be approved.**

2. Resolution No. 2018-048, approving appointments to Boards and Commissions.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:**

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Steven Landstrom 716 Stanley Ypsilanti, MI 48198	Ethics Commission	2/1/2023
Elizabeth Currans 915 Woods Dr. Ypsilanti, MI 48197	Ethics Commission	2/1/2023
<del>Daquann Harrison (Ward 2) 1118 N. Huron River Dr. #3 Ypsilanti, MI 48198</del>	<del>Police Advisory Commission</del>	<del>TBD</del>
<del>Gail Wolkoff (Ward 2) 1728 Whittier Rd. Ypsilanti, MI 48197</del>	<del>Police Advisory Commission</del>	<del>TBD</del>
<del>Heather Freeling (Ward 1) 422 S. Huron St. Ypsilanti, MI 48197</del>	<del>Police Advisory Commission</del>	<del>TBD</del>
<del>Bill Riccobono (Ward 3) 503 Roosevelt Blvd. Ypsilanti, MI 48197</del>	<del>Police Advisory Commission</del>	<del>TBD</del>
<del>Kathleen McCormick (Ward 1) 407 Ainsworth Cir. Ypsilanti, MI 48197</del>	<del>Police Advisory Commission</del>	<del>TBD</del>
Bryan Foley 425 Ainsworth Circle Ypsilanti, MI 48197	Sustainability Commission	5/1/2021

~~3. Resolution No. 2018-049, supporting Governor Snyder's Environmental Initiative (Moved and Heard During Section XIII)~~

4. Resolution No. 2018-050, approving Washtenaw County Solid Waste Management Plan 2017 Amendment.

**WHEREAS, Part 115 of the Natural Resources and Environmental Protection Act, 194 PA 451, as enforced by the Michigan Department of Environmental Quality (MDEQ), requires each Michigan County to have a Solid Waste Management Plan to assure that solid waste generated in the county is collected and recovered, processed or disposed of for a ten-year period at facilities that comply with state laws and rules; and**

**WHEREAS, in furtherance of the statutory requirements, the Washtenaw County Board of Commissioners appointed a 14-member Solid Waste Planning Committee in August 2015 to amend Washtenaw County's 1999 Solid Waste Management Plan; and**

**WHEREAS, pursuant to Michigan statute, the draft Solid Waste Management Plan amendment was opened to a lengthy and robust public comment period, held from April through October 2017; and**

**WHEREAS, the Plan language promotes municipal and residential coordination and collaboration with Washtenaw County to provide integrated solid waste management programs and policies that emphasize waste prevention, reduction, recycling and composting; and**

**WHEREAS, On December 6, 2017, the Washtenaw County Solid Waste Management Plan 2017 Amendment was formally approved by the Washtenaw County Board of Commissioners and will next be presented to the 28 jurisdictions within Washtenaw County for their consideration and action of approval prior to submittal to the Michigan Department of Environmental Quality for final approval.**

**NOW, THEREFORE, BE IT RESOLVED, that the Ypsilanti City Council supports the Washtenaw County Solid Waste Management Plan 2017 Amendment; and**

**BE IT FURTHER RESOLVED, that the Ypsilanti City Council approves the Washtenaw County Solid Waste Management Plan 2017 Amendment, and supports the Plan being submitted to the Michigan Department of Environmental Quality for final approval.**

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the Consent Agenda was approved.

**Council Member Robb moved, seconded by Council Member Vogt to extend the meeting until 12:00 a.m.**

On a voice vote, the motion carried, and the meeting was extended.

**XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2018-049, supporting Governor Snyder's Environmental Initiative.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, there is a lack of funding for cleaning up contaminated sites throughout Michigan; and**

**WHEREAS, Michigan's recycling rate at 15% is one of the lowest in the nation; and**

**WHEREAS, Governor Snyder has proposed a plan to address critical environmental needs for brownfield site clean-up, waste management and recycling; and**

**WHEREAS, Governor Snyder’s plan calls for the increase in landfill tipping fee from \$0.36 per ton to \$4.75 per ton to provide \$79 million annually; and**

**WHEREAS, Revenue generated from this fee would bolster critical environmental protection programs, including:**

- **Remediate and Redevelop Existing and Future Contaminated Sites (\$45 million)**
- **Solid Waste Management (\$9 million)**
- **Recycling Grants to triple Michigan’s Recycling Rate (\$15 million)**
- **Water Quality Monitoring Grants (\$5 million)**
- **State Park Infrastructure (\$5 million)**

**THEREFORE BE IT RESOLVED that the City Council of the City of Ypsilanti supports Governor Snyder’s Environmental Initiative and urges its passage by the state legislature; and**

**FURTHER RESOLVED that this resolution be forwarded to Governor Rick Snyder, Senator Rebecca Warren, Representative Ronnie Peterson and Kirk Profit.**

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Murdock

Mayor Edmonds explained that she removed this from the Consent Agenda in order to note a republican governor is increasing taxes in order to encourage positive environmental policy.

On a roll call, the vote to approve Resolution No. 2018-049 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

2. Discussion of Community Benefits Ordinance

**AUDIENCE PARTICIPATION –**

1. Desirae Simmons, 407 Charles, stated she does not accept the proposed ordinance. The city claims it does not want to deter development in the city, and asked to see evidence that doing things the way they have always been done is equitable. Decisions should occur in the public sphere and not behind closed doors. Gentrification can be overcome with real action,

and she is offended of the implication the people cannot think for themselves. Renters want better and more frequent inspections.

2. David Reynolds, 229 Miles St., stated he has a great deal of experience with CBOs working with the City of Detroit. Community Benefits Agreements are agreements between a community coalition and a developer. It can be incorporated into the public approval process. CBAs arose out of the failure of the city and developer negotiation process. The draft Ordinance has nothing to do with community benefits agreements. What it does is adds an appointed advisory process to the existing way of doing things. The draft ordinance is basically calling a development agreement a community benefits agreement. He added a coalition has drafted an ordinance for the review of Council.
3. Brian Geiringer, 415 Pearl, thanked Council Member Richardson, Mayor Pro-Tem Brown, and Council Member Murdock for all they have done through this process. He said meetings from the community should be the basis for any negotiation for a CBA, the majority of the CBA Committee is to be elected through community meetings, and the negotiating team must reflect the diversity of Ypsilanti. If members from city commission are brought together to act as the negotiating team it would not be a community driven process.
4. William Teepen, 718 Lowell, stated the city has a good bottom-line philosophy the Redy Coalition would like to see improvements. There needs to be more input from voters in the city when developing a CBO. The drafted CBO does not include much detail in what benefits can be negotiated, and more detail of the offered benefits.
5. Mike Auerbach, 712 N. River St., stated the CBO should serve two central functions; to create a venue for the community to have a dialog with the developer and securing benefits to the public from that developer. It can also be an opportunity to gain the support of the public support for a development. He added an ordinance like this must have strong public support and asked Council to engage the Redy Coalition.
6. Amber Fellows, Ward 3, stated she hopes this process will include dialog with the community, and if that cannot happen tonight she would hope a working session would be scheduled. The advantage to Council in the development of this ordinance is much of the work has already been completed by the coalition.
7. Amy Shordes, River St., invited Council Members to meet with members Redy Coalition individually, or as a group. She said there are a lot of other organizations working on the development of a CBO, not just the individuals that are present during Council meetings. She asked Council to think of a negotiating committee not as an advisory committee but a body that is actively involved in the process.

Mayor Edmonds stated she spoke with Mr. DuChene who informed her he had attended previous community meetings in 2017 years. This draft ordinance is a preliminary document and she agrees with the comment of Ms. Fellows that the community and staff work on this matter should merge. This discussion is to find that next step on how to develop a meaningful ordinance.

Council Member Richardson thanked Mr. DuChene for the work he has done to complete the preliminary draft. She wished more would have attended the Redy Coalition meetings, the coalition includes groups and organizations from throughout the city. She believes all of Council has been contacted by the coalition and encouraged them to engage that group. Council does not always hear back from the community from action that it takes, and this is a process that can engage the community regarding the ordinance. The people from the community are those that will be affected by a development occurring in the city.

Council Member Vogt stated he has been very clear about his concerns regarding some of the proposals that have been discussed. As he said earlier this meeting he is very much in favor of community input, and well-reasoned ideas. He has critical of EMU's Board of Regents because they are not elected officials and not responsive to the community they serve. Council is an elected body and the Charter provides it with the power to create policy and direct the administration to carryout said policy. He encourages the sharing of ideas but that does not mean Council should abdicate its ability to be in control. His concern is any mechanism developed should allow Council to maintain that control. He is nervous and ill at ease with an unelected body, no matter how well meaning, to negotiate with a developer. Creating layers of authority can kill a negotiation prior to reaching the real decision makers. If the additional layer does not deter a developer said developer might just disregard any negotiations made prior to reaching the deciding body. Council is the deciding body and has the authority to direct staff to negotiate on behalf of the city, however, it should encourage and require ideas from the community. The committee appointed to negotiate, unless its three-hundred people, would eliminate several voices from groups, or organizations operating in the city. He suggested holding additional public hearings, public meeting, and develop in Council a set of roles and ideas. He feels the proposed document is a legal and procedural nightmare.

Mayor Pro-Tem Brown stated she met with members of the Redy Coalition to discuss ideas they put forth. One of the coalition's concerns is how the ad hoc committee would be formed, and its make-up. The draft ordinance is vague in the diversity of the body and what is meant by expertise. How can a way to hear community input that would not be categorized as experts. Mayor Edmonds stated the Redy document selection process includes residents form each ward and residents who live near the proposed development. It is of great importance to quantify those residents that would most be impacted by a development in order to provide a voice.

Council Member Bashert stated it appears there is a communication breakdown, Council is talking about developing an ordinance with an overarching structure. Council has then heard complaints the ordinance does not include enough specificity, and the intention was the specificity would change with each development. Mr. DuChene responded that is the intent. She asked if typically an ordinance would include an exhaustive list of what could be implemented through a CBA. Mr. DuChene responded he cannot think of an example in the code of ordinances that includes that level of specificity. To examine how a community benefits ordinance is structured can be difficult because there are not many models. Detroit's Proposal "A", which he was directed to examine did not include an exhaustive list, which designed to provide the committee direction but allow for creativity in the development of a CBA. Ms. Bashert stated the draft indicates the committee must meet within thirty days of its inception to begin the development of a CBA. She asked how this would effect a development's timeline, considering the need for other layers of approval. Economic Development Director Beth Ernat replied the additional layer would insert into the process as another step, which is why it is important to create a timeframe. Mr. DuChene stated the timeframes outlined in the proposed draft were suggestions of Council.

Council Member Murdock is concerned with the timeframes listed in the draft. A resolution approved by Council outlines the specific course of action to how Council is to be kept informed of developments, and when Council would vote on issues surrounding a development. He said thirty days to hold two meetings and develop a recommendation to Council does not seem like ample time. There are also possible Planning Commission issues a development might come across. Ms. Ernat replied any development of substantial size would begin with a time chart, which is essential to staff and the developer to understand the complexities of the project. In order for a developer to reasonably move forward it needs to secure the land, very few developers will begin conversation prior to this. When a developer is requesting something from the city it makes it easier to plug in an additional layer to the timeline. It is essential, regardless of what Council decides, that it is very clear at what point this layer is required and that the land can be optioned prior to negotiation. Mr. Murdock stated if a process is created where it would fit into the development process. Ms. Ernat replied first a request would go to Council for a simple consideration for selling land for this use, a letter of intent followed by a purchase agreement. Through the purchase agreement a CBA and development agreement would be negotiated. Ms. Ernat responded in the affirmative.

Council Member Richardson asked when developers typically begin to make requests to the city. Ms. Ernat responded on average it begins at the point the developer develops a proforma. Ms. Richardson stated she is asking to understand when the CBO should be triggered. Ms. Ernat replied the price of sale must be decided prior to the development of a proforma.

Mr. DuChene stated the CBO is flexible as to when it would be triggered into the CBA, and an incentive cannot be approved without going through the CBA process. Council can enter into a purchase agreement, or any other incentive subject to the approval of a CBA.

Council Member Bashert stated when discussing the development of a CBO she suggested a sunset clause to allow Council to review if the CBO was having the desired effect. She asked that a sunset clause be included in the ordinance once it is before Council for approval. The Redy document lists the work community extensively, the word is undefined in the document and could mean a number of things. She would like those selecting a committee by accountable to the city, has a track record of work in the city, and now that is Council. She commended Redy for the work they have completed and continue to move forward with Council in the development of a CBO. She said the Council is the representatives of the community and are accountable to the community. She added the work Redy has completed provide them with the knowledge to be a part of future CBAs.

Council Member Robb asked Mr. Reynolds to mark up the preliminary draft to insert the demands of Redy in order for Council and the Coalition to be on the same page. Mayor Edmonds agreed.

Council Member Richardson suggested Council meet with the community, not just Redy, but the people that reside in the city.

Council Member Murdock suggested Redy prepare a draft ordinance to submit to Council. He said there are disagreements on what would trigger a CBA, one is based on the dollar amount of the incentive and the other is based on investment. The largest difference in the CBO is how the CBA committee is created, the second is the mandatory discussion, and how the CBA Committee would fit into the timeline.

Mayor Edmonds asked to review scenarios on how this would work with city property. She would support having a specific clause for Water Street, and possibly the Ford Plant, because of the scale of those projects. Mr. DuChene suggested expanding the ordinance to include certain project Council would like treated separately, possibly a multiplier. Council could employ a similar graduate model for the ad hoc committee to serve as the CBA Committee.

Mayor Edmonds asked how a CBO would apply to a public developer. Mr. DuChene replied he could examine that possibility.

Council Member Bashert asked for a working session to be scheduled for the Planning Department to walk Council through potential scenarios. Mayor Edmonds asked for a list of potential properties that could be subject to the CBO. Council Member Richardson stated the Redy Coalition should be represented at the work session.

Mayor Edmonds asked that a working document be prepared that merges the work of the city and the Redy Coalition that Council could review and potentially amend. Mr. DuChene responded he does not have direction from Council on how to specifically incorporate the Redy document in to the document prepared by staff. Council Member Murdock asked if Redy is currently working on incorporating its work into the draft ordinance. Mr. Reynolds responded in the affirmative. Mr. Murdock suggested the Attorney's Office provide a redline document prepared through the merging of the city's and Redy's work. From there Council can make its own amendments. Mayor Edmonds asked Council Member Vogt to prepare a document that incorporates his concerns with the ordinance.

Council Member Bashert stated her concern is approving an ordinance that does the exact opposite of what Council intends. If this ordinance increases the cost of development it would increase the cost of rents, which is specifically what the city wants to avoid. She encouraged to take caution when developing this ordinance and keep in mind the goals the city is trying to accomplish.

Council Member Richardson asked Mr. Reynolds to mark up the city document and provide it to the City Attorney's Office prior to the work session.

3. Resolution No. 2018-051, in support of flying the transgender flag on Friday, March 30, 2018.

Council Member Richardson stated she plans to abstain from voting on this resolution because she has received several calls in opposition to the flag being flown at the Police Station. Council Member Bashert stated she would like Council Member Richardson to be brave for LGBTQ people as she is for African Americans. Ms. Richardson responded stated Council is longer acting in a civil manner, and it is the worst Council she has worked with in her seventeen years. She has no issue with LGBTQ individuals and she will not allow people to make untrue accusations about her. However, she must respect the people in the Ward she represents, and hopes all of Council would do the same.

**WHEREAS, no federal or state of Michigan law currently prohibits discrimination based on gender identity in employment, housing, or public accommodations; and,**

**WHEREAS, the state of Michigan’s own Department of Civil Rights has concluded that anti-LGBT discrimination “exists and is significant” and that such discrimination has “direct negative economic effects on Michigan”; and,**

**WHEREAS, discrimination impedes the city of Ypsilanti and the state of Michigan’s ability to attract and retain talented, hard working, determined people and by extension economic growth and prosperity; and,**

**WHEREAS, in the absence of state action by Michigan’s legislature forty-two Michigan communities, including the city of Ypsilanti, have enacted local, comprehensive nondiscrimination ordinances; and,**

**WHEREAS, March 31 has been recognized annually as “Transgender Day of Visibility” since 2009 when Michigan transgender activist Rachel Crandall founded the observance; and,**

**WHEREAS, recent action by the Trump administration withdrawing federal guidance on the rights of transgender students at school make it more important than ever for communities to speak out in support of these students,**

**NOW, THEREFORE, BE IT RESOLVED, that in recognition of “Transgender Day of Visibility” and in solidarity with and support of transgender people across the United States, the city of Ypsilanti shall fly the transgender pride flag on Friday, March 30, 2018.**

OFFERED BY: Council Member Bashert  
 SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds stated since March 31<sup>st</sup> is a Saturday this year the flag would be flown on March 30<sup>th</sup>.

On a roll call, the vote to approve Resolution No. 2018-051 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Abstain	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6                      NO: 0                      ABSENT: 0                      ABSTAIN: 1 (Richardson)                      VOTE: Carried

4. Resolution No. 2018-052, approving a municipal services agreement for Towne Centre, 401 W. Michigan Avenue.

**WHEREAS, Jonathan Rose Companies (d.b.a. Towne Centre Place Limited Dividend Housing Association) recently acquired controlling interest in the affordable senior apartments known as Towne Centre Place; and**

**WHEREAS, the new owners are interested in refinancing its MSHDA debt with HUD financing, which would require the City Council to adopt a new PILOT ordinance; and**

**WHEREAS, the proposed PILOT ordinance for the project references and incorporates a Municipal Services Agreement between the City and the owner of the property; and**

**WHEREAS, City Council has reviewed and adopted the proposed PILOT ordinance on first reading; and**

**WHEREAS, the attached Municipal Services Agreement is only in effect so long as the PILOT ordinance is also in effect, and vice versa;**

**NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached Municipal Services Agreement is approved and that the Mayor and City Clerk are authorized to sign and execute the agreement, subject to the review and approval of the City Attorney.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Bashert

Mr. DuChene provided a synopsis of why this resolution has been submitted to Council for approval.

Council Member Robb stated the Towne Center is a larger building than Chidester Place yet it the municipal service fee is much less. Mr. DuChene replied the amount is based on the proforma provided by the owner. Mr. Robb stated he does not like that the agreement is tied to the Consumer Price Index (CPI), and asked if the CPI is in the negative, as it was in 2009, would the municipal services agreement decrease. Mr. DuChene responded in the affirmative. Mr. Robb stated when the city approved the municipal services agreement for Chidester Place the amount was \$35,000 and increases 2% every year. The revenue from that agreement on last year's budget was \$39,214, which is not mathematically possible. He asked what the mechanism to ensure the numbers are correct is. Mr. DuChene replied if the payment is not made timely it increases to 10%, but he is not certain what mechanism is used to determine the amount. Mr. Robb reiterated it is a bad idea to tie the amount to CPI.

Mr. DuChene asked Mr. Cunningham is his organization would be against a flat annual increase of 2%. Mr. Cunningham asked if the agreement includes a provision that in no way the amount paid decreases. Mr. DuChene replied there is not, and asked if Mr. Cunningham would agree to add that provision. Mr. Cunningham agreed. Mr. Robb stated Council creates policy which sets the precedent of how future agreements are to be based. Mr. Cunningham replied historically CPI has been much greater than 2%. Mr. Robb stated the numbers he ran were based on CPI from 2008-2018 and if the annual increase was 2% the city would have greater revenue than if the amount was based on the CPI. Mr. Cunningham stated the PILOT will see an annual increase of roughly 2%, so both the municipal agreement and the PILOT will increase. Mr. Robb replied that would increase regardless of the municipal services agreement.

**Council Member Murdock moved, seconded by Council Member Bashert to amend the contract by changing "adjusted" to "increased" to the second sentence of #2 at the bottom of the first page of the agreement, and adding "in no year shall the service improvement fee decrease" to the end of the same paragraph on the second page.**

On a roll call, the vote to amend Resolution No. 2018-052 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

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VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2018-052 as amended was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 1 (Robb) ABSENT: 0 VOTE: Carried

- 5. Resolution No. 2018-053, approving that the City partner with the Depot Town Downtown Development Authority to contract for design concepts and cost estimates for removing the recycling center and redesigning and expanding parking along Rice Street between Cross and Forest Street including the possibility of relocating Rice Street.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the success of Depot Town has created parking issues in and around Depot Town; and**

**WHEREAS, there is a need to relocate the Recycling Center in Depot Town; and**

**WHEREAS, Failure to relocate the recycling center will jeopardize several state grants; and**

**WHEREAS, the Rice Street Parking area is badly in need of reconstruction; and**

**WHEREAS, there is a need for increased parking in the Depot Town area.**

**THEREFORE BE IT RESOLVED that the City partner with the Depot Town Downtown Development Authority to contract for design concepts and cost estimates for removing the recycling center and redesigning and expanding parking along Rice Street between Cross and Forest Street including the possibility of relocating Rice Street.**

OFFERED BY: Council Member Murdock

SECONDED BY: Council Member Robb

Council Member Murdock stated Council is aware of the issues with recycling center and this will assist in removing that facility.

City Manager Darwin McClary asked if this resolution would constitute the DDA and city would share the costs of the facilities removal. Mayor Edmonds replied the DDA has interest in removing the facility but has not voted on allocating funds for its removal. She explained this resolution would only begin an exploration of a partnership. Mr. McClary responded if what that partnership would look like it could be proposed to the DDA and not need to return to Council for approval. Council Member Murdock stated he would like to split costs for the facilities removal between the city and DDA. Mr. McClary asked if the city was able to negotiate a 50/50 cost sharing arrangement that would be acceptable.

Ms. Ernat stated a grant application was submitted and some design completed around four years ago, but the city has never been awarded. The estimated cost was around \$320,000 for the facilities removal and parking lot construction, but did not include a relocation cost. The tax increment financing plan estimates \$100,000 for the relocation of the facility, but that was based off of receipts that are not being generated. She added finding a new location for the facility is

problematic not removing it from Frog Island. She assumes there would be support for financial consideration, but DDA funds must be used for the district so any relocation fees would fall to the city.

Mr. McClary clarified Council is looking for conceptual designs, estimates for the cost, and possibility of shifting Rice St. to maximize parking. He asked if there is a limit on cost and if the city's portion of cost would come from the General Fund. Council Member Bashert stated if it goes over the \$25,000 purchasing power of the City Manager it would need to come back to Council.

On a roll call, the vote to approve Resolution No. 2018-053 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

6. Resolution No. 2018-026, adopting 2018-19 Council Goals and Budget Priorities.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, Section 5.02 of the City of Ypsilanti Charter requires the city council to instruct the City Manager concerning the priorities of the City that the budget for the next year must address; and**

**WHEREAS, to comply with the city charter, the city council undertakes a goal setting process annually to identify its goals, objectives, and budget priorities; and**

**WHEREAS, the city council has identified its goals, objectives, and priorities for ensuing Fiscal Year 2018-19;**

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby instruct the City Manager to address the following priorities of the city in preparing the proposed budget for Fiscal Year 2018-19:**

***SOCIAL SUSTAINABILITY – Goal #1 – Improve Working Condition, Morale, and Staff Relationships with City Government***

- Add staff in the public safety area (police department, fire department, public safety)

***SOCIAL SUSTAINABILITY – Goal #2 – Enhance Communication between City Government and Residents***

- Evaluate technology to enable high-quality live-streaming of City Council meetings

***SOCIAL SUSTAINABILITY – Goal #3 – Enhance Performance of Public Safety Functions***

- Hire 1-2 more police officers and 1-2 more firefighters
- Hire more employees in order to help the city with code enforcement and with building inspections
- Enhance training for public safety employees

***ECONOMIC SUSTAINABILITY – Goal – Make Progress on Longer-Term Fiscal Issues Confronting City***

- **Look into municipal management software as a technology upgrade, with a goal of saving on labor costs, improving communication, and reducing use of Iron Mountain storage**

***ECOLOGICAL SUSTAINABILITY – Goal – Address Ecological Issues Facing the City***

- **Move recycling center as a way to open more grant options for the city**
- **Give more TLC to the park system**

OFFERED BY: Council Member Vogt  
 SECONDED BY: Mayor Pro-Tem Brown

Mr. McClary stated staff received an additional Council Members list of priorities which would add to the list. Mayor Edmonds asked what the priorities are. Mr. McClary responded under goal #1, finding ways to increase compensation for city employees, both those who are bargained for and those who are not. Under goal #5, Develop parking strategy to provide more parking spaces in downtown areas, generate more revenue from parking, and provide funding for comprehensive study of parking downtown, would be added.

**Mayor Pro-Tem Brown moved, seconded by Council Member Richardson to add under goal #1, finding ways to increase compensation for city employees, both those who are bargained for and those who are not, and under goal #5, Develop parking strategy to provide more parking spaces in downtown areas, generate more revenue from parking, and provide funding for comprehensive study of parking downtown.**

Council Member Robb stated union contracts have already been approved. He asked if the recommendation is to reopen the contract negotiations, of increasing compensation for the union contracts that have not been approved. Mayor Edmonds stated not all goals will be completed this year, but steps can be taken to achieve those achieve them. Mr. McClary stated union contracts can be discussed during closed session and non-union contracts can be discussed during the budget process.

Council Member Murdock asked if it is still a goal to balance the budget. Mayor Edmonds responded it is still a goal it was just not selected as a priority. She added that is a core goal and should be assumed. Mr. Murdock stated the goals provide a blank check to hire staff that the city doesn't necessarily need, and doesn't take capital projects into consideration. He added he will not be supporting this resolution and that the city should be earmarking funds for capital projects. He would like to see a budget developed that uses the funds captured through the County Safety Millage. Ms. Edmonds responded the goals are based on what was submitted by Council, it does not mean the budget will not include these items.

On a roll call, the vote to amend Resolution No. 2018-026 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	No
Council Member Bashert	Yes		

VOTE:

City Council Meeting  
 March 6, 2017

YES: 4 NO: 3 (Murdock, Robb, Vogt) ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2018-026 as amended was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	No
Council Member Bashert	Yes		

VOTE:

YES: 4 NO: 3 (Murdock, Robb, Vogt) ABSENT: 0 VOTE: Carried

**XIV. LIAISON REPORTS –**

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study - None
- C. Urban County - None
- D. Ypsilanti Downtown Development Authority - None
- E. Eastern Washtenaw Safety Alliance - None
- F. Friends of Rutherford Pool - None

**XV. COUNCIL PROPOSED BUSINESS –**

Murdock

- Asked the status is of 401 E. Forest.  
Ms. Ernat responded the status the city has an active permit for that property.
- Asked the status of 214 N. River, and if there is a schedule of completion of construction.
- Asked for an update on the Border to Border Trail.  
Ms. Ernat responded the final documentation has been submitted to the Department of Environmental Quality. There will be a two week review time for that documentation. Council Member Bashert asked when the trail will be open. Ms. Ernat responded as soon as the city receives a certificate of compliance.
- He asked if the city could divest in any money it might have in gun manufacturers.  
Council Member Bashert supported divesting.
- The city needs to do an ordinance requiring properties to inform the city when units change from income based to market rate.

**XVI. COMMUNICATIONS FROM THE MAYOR –**

- The Review Committee met a week ago and a Closed Session will be held to present employee evaluations.  
Council Member Richardson stated employee evaluations have taken an exceptionally long time. It is unfair to employees to have not provided them there evaluations.

- Informed Council she will be sending out potential dates for budget meetings.
- She is discouraged to hear SPARK is not prioritizing things in Ypsilanti’s urban zone. She added there needs to be city representation on the SPARK Board, and understand what city census tracts are included.

Council Member Bashert asked if a formal letter can be sent to all involved. Mr. McClary responded in the affirmative.

**XVII. COMMUNICATIONS FROM THE CITY MANAGER –**

**XVII. COMMUNICATIONS –**

Marijuana Report 2017

**XVIII. AUDIENCE PARTICIPATION –**

1. Sue Melke, 330 Chidester, stated the city could sell ads on the Big Belly recycling bins. She suggested approaching bigger businesses in the city to sponsor the bins. She said the optics for Council goals is not positive. She stated the city needs to move the recycling center because it is in a park, but when it is removed it will be replaced with parking. She asked if the municipal services fees are to reimburse for any services it provides.

Mr. McClary responded in the affirmative, but it does not cover the entire cost. Ms. Melke responded Chidester does not pay their share.

2. William Teepen, 718 Lowell St #24, stated he assumes the word “community” in community benefits means voters.

**XIX. REMARKS FROM THE MAYOR –**

**XX. ADJOURNMENT –**

Resolution No. 2018-054, adjourning the City Council meeting.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 12:00 p.m.